IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 914 (SS) of 2007

Smt. Neelam Tyagi,
W/o Sri Dushyant Tyagi,
R/o 178, Nehru Nagar,
(Nehru Chowk), Roorkee,
District - Haridwar. **.....Petitioner.**

Versus

1. State of Uttarakhand, through Secretary, Education, Dehradun.
2. Director, Vidyalayi Shiksha, Mayur Vihar, Dehradun.
3. Additional Director of Education, Garhwal Mandal, Pauri Garhwal.
4. District Education Officer, Haridwar, District - Haridwar.

.....Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri A.V. Pundir, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioner has challenged the order dated 30.05.2007 passed by Director, School Education, Uttarakhand, Dehradun by which representation of the petitioner has been rejected.

The facts of the case are that an advertisement was issued by Join Director of Education, Garhwal Mandal, Pauri in the year 2004, inviting application for the post of Assistant Teacher (LT Grade) Drawing. In pursuance to that advertisement petitioner applied for the post.

Petitioner was not selected by the respondents for the post of Assistant Teacher (LT Grade) Drawing, consequently, she moved representation before Join Director of Education, Garhwal Mandal, Pauri. When decision was not taken by the Joint Director of Education, Garhwal Mandal, Pauri, on the representation of the petitioner, petitioner preferred writ petition no. 1960 (SS) of 2005. This court on 22.12.2005 while disposing of the writ petition has held that since petitioner has already filed representation it will be just and proper to direct the respondents to decide the representation of the petitioner. Petitioner has filed representation before respondent no. 3. However, liberty is given to the petitioner to move her representation before respondent no. 2. If the petitioner files fresh representation before respondent no. 2 he will decide the same within a period of six weeks from the date of production of certified copy of this order.

Respondents prior to deciding the representation of the petitioner has given opportunity to the petitioner to plead her case before authority on 29.05.2006 and when petitioner did not turn up again on 01.07.2006 date was fixed by the respondents for petitioner to plead her case. But on that date too, petitioner was not present before the authority to plead her case. Consequently, authority after perusing the documents and report submitted by the Joint Director of Education, Garhwal Mandal, Pauri has decided the representation of the petitioner.

The sole ground in the representation of the petitioner was that respondents have appointed persons on the post of Assistant Teacher (LT Grade) Drawing, who have obtained less quality point marks than the petitioner. Respondents

while rejecting the representation has passed detailed order and submitted that petitioner has got only 46.616 quality point marks whereas person who has been appointed, has got 56.6 quality point marks. Thus, representation of the petitioner was rejected.

Again petitioner has filed present writ petition on the ground that she has not been awarded marks for B.Ed.. It is specifically stated by the Director, School Education, Uttarakhand, Dehradun that B.Ed. was not to be considered for appointment on the post of Assistant Teacher (LT Grade) Drawing and no person has been awarded quality point marks for B.Ed. degree.

This is not a case of the petitioner that any person, who has been appointed on the post of Assistant Teacher (LT Grade) Drawing has been awarded quality point marks for B.Ed. It is specifically stated by the Director, School Education, Uttarakhand, Dehradun that in the Rules it is not provided to award quality point marks for B.Ed. Degree while making selection for the post of Assistant Teacher (LT Grade) Drawing.

For the reasons recorded above, I do not find any merit in the case, as such, writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J)

July 25, 2007
SKSharma